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REMARKS

The Applicant acknowledges with appreciation the withdrawal of the drawing objection and the rejections under 35 U.S.C. 112, first paragraph.

Claims 1, 11 and 21 have each been amended to clarify that the "aspherical ocular globe-engaging surface" of the recited "annular vacuum channel" comprises "an aspherical inferior engaging surface and an aspherical superior engaging surface." The claimed invention is particularly useful for producing oval-shaped corneal disks, whereby more stromal tissue is exposed (compared, e.g., to circular-shaped disks) for ablation without having to use a larger diameter suction ring or to subject the patient's ocular globe to the increased risks inherent in higher suction (i.e., gripping) requirements (*Applicant's Specification*, at page 12, line 28 through page 13, line 6).

Claims 1, 3-5, 7, 9 and 10 stand rejected under 35 U.S.C. 102(b) as being anticipated by Hellenkamp (US 6,007,553). This rejection is respectfully traversed because Hellenkamp fails to teach each of the required elements of the claimed inventions. Claim 1, upon which claims 3-5, 7, 9 and 10 depend, includes the element: "wherein the annular vacuum channel has an aspherical ocular globe-engaging surface comprising an *aspherical inferior engaging surface* and an *aspherical superior engaging surface*" (emphasis added). This feature promotes a proper seal between the ring and the patient's eye, particularly at the top aperture region of an astigmatic cornea and the sclera region of an aspherical eye – both of which are difficult to seal using conventional rings. The Examiner has failed to identify any teaching in Hellenkamp of such inferior and superior aspherical surfaces.

The Examiner has instead indicated that the "surfaces of the ring [of Hellenkamp] may engage an 'aspherical ocular globe-engaging surface,' even if more suction is required to stabilize the eye" (*Office Action*, page 2). The relevance of this statement is not entirely clear to the Applicant. Even if the surfaces of the ring could engage such an aspherical surface, this alleged possibility does not equate to a teaching of the recited features of claim 1. Thus, the anticipation rejection predicated on Hellenkamp is submitted to be unsupportable. Reconsideration is respectfully requested.

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Claims 1-6, 9-11, 13-15, 19 and 20 stand rejected under 35 U.S.C. 102(e) as being anticipated by Silvestrini et al. (US 6,143,010). This rejection is also respectfully traversed because Silvestrini fails to teach each of the required elements of the claimed inventions. In particular, Silvestrini fails to disclose the use of an "aspherical superior engaging surface" as is recited in claims 1 and 11 as amended. Silvestrini discloses a superior sealing region 512 and an inferior sealing region 514, but only the inferior region is aspherical (see FIG. 9 and col. 8, lines 38-57). The presently claimed invention employs aspherical superior and inferior engaging surfaces to promote a better fit of the suction ring with the ocular globe and the corneal region, whereby a lower suction pressure can be reliably used to avoid risks associated with higher intraocular pressures (see Specification at page 9, lines 23-27). Claim 1 is therefore submitted to be patentably distinct over Silvestrini, and reconsideration is respectfully requested.

Claims 7 and 8 stand rejected under 35 U.S.C. 103(c) as being unpatentable over Silvestrini in view of Kawesch (US 6,350,272). Since claims 7-8 each depend from claim 1, which is submitted to be patentable over Silvestrini, claims 7-8 are also submitted to be patentable over the combination predicated on Silvestrini.

Claims 11, 12 and 16 stand rejected under 35 U.S.C. 103(c) as being unpatentable over Silvestrini in view of Amano (US 6,506,198). Claim 11 is submitted to be patentable over the combination predicated on Silvestrini, because neither Silvestrini nor Amano teaches the claimed requirement of an "aspherical superior engaging surface." Since claims 12 and 16 each depend from claim 11, which is submitted to be patentable over Silvestrini (alone or combined with Amano), claims 12 and 16 are also submitted to be patentable over the combination predicated on Silvestrini.

Claims 17 and 18 stand rejected under 35 U.S.C. 103(c) as being unpatentable over Silvestrini in view of Amano and in further view of Kawesch. Since claims 17 and 18 each depend from claim 11, which is submitted to be patentable over Silvestrini (alone or combined with Amano), claims 17 and 18 are also submitted to be patentable over the combination predicated on Silvestrini.

Claims 21-26 and 29-31 stand rejected under 35 U.S.C. 103(c) as being unpatentable over Silvestrini in view of Carriazo (US 5,980,543). Claim 21 is submitted to be patentable over the

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combination predicated on Silvestrini, because neither Silvestrini nor Carriazo teaches the claimed requirement of an "aspherical superior engaging surface." Since claims 22-25 and 29-31 each depend from claim 21, which is submitted to be patentable over Silvestrini (alone or combined with Carriazo), claims 22-25 and 29-31 are also submitted to be patentable over the combination predicated on Silvestrini.

Claims 27 and 28 stand rejected under 35 U.S.C. 103(c) as being unpatentable over Silvestrini in view of Carriazo and in further view of Kawesch. Since claims 27 and 28 each depend from claim 21, which is submitted to be patentable over Silvestrini (alone or combined with Carriazo), claims 27 and 28 are also submitted to be patentable over the combination predicated on Silvestrini.

Claim 32 stands rejected under 35 U.S.C. 103(c) as being unpatentable over Silvestrini in view of Carriazo and in further view of Carriazo (US 6,296,650). Since claim 32 depends from claim 21, which is submitted to be patentable over Silvestrini (alone or combined with Carriazo), claim 32 is also submitted to be patentable over the combination predicated on Silvestrini.

In conclusion, Applicant submits that all remaining claims in the present application are entitled to allowance and such action is earnestly solicited.

In the event there are additional charges in connection with the filing of this Response, the Commissioner is hereby authorized to charge the Deposit Account No. 50-0714/CARA/0013 of the firm of the below-signed attorney in the amount of any necessary fee.

Respectfully submitted,


Steven L. Christian

Attorney for Applicant
Registration No. 38,106
STREETS & STEELE
13831 Northwest Freeway, Suite 355
Houston, Texas 77040
(713) 939-9444
Customer Number: 24945

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